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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,071	BLAIR ET AL.	
	Examiner Adam S. Weintrop	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. **Claims 2 and 5-18** are objected to because of the following informalities:

Regarding **claim 2**, the term “digital content” on claim line 3 has already been defined and should be replaced with --the digital content--.

Regarding **claim 5**, the term “the user interface” on claim line 1 has not been previously defined and should be replaced with --a user interface--. The term “digital content” on claim line 3 has already been defined and should be replaced with --the digital content--.

Regarding **claim 6**, the term “an image memory card” on claim line 11 should be replaced with --the image memory card--.

Regarding **claim 7**, the use of the terms “a name, a title, and a number” on claim line 7 conflicts with previously defined terms of similar names, therefore they should be replaced with --an audio memory card name, an audio memory card title, and an audio memory card number--. The terms “a digital content service provider” on claim lines 9 and 11 have previously been defined and should be replaced with --the digital content service provider--.

Regarding **claim 8**, the terms “digital content” on claim lines 3 and 4 have already been defined and should be replaced with --the digital content--.

Regarding **claim 9**, the term “the memory cards” on claim line 15 has not been defined and should be replaced with --the at least one memory card--.

Regarding **claim 10**, the term “a digital content service provider” on claim line 1 has previously been defined and should be replaced with --the digital content service provider--. The terms “digital content” on claim lines 3 and 4 have already been defined and should be replaced with --the digital content--.

Regarding **claim 11**, the term “a personal computer” on claim line 7 has already been defined and should be replaced with --the personal computer--.

Regarding **claim 12**, the term “a digital content” on claim lines 1-2 has already been defined and should be replaced with --the digital content--.

Regarding **claim 13**, the term “digital content” on claim line 3 has already been defined and should be replaced with --the digital content--.

Regarding **claim 14**, the terms “a personal computer” on claim lines 3 and 6 have already been defined and should be replaced with --the personal computer--. The term “digital content” on claim line 8 has already been defined and should be replaced with --the digital content--. The terms “at least one of the image memory card” on lines 8 and 12 should be replaced with --the at least one of the image memory card--.

Regarding **claim 15**, the terms “digital content” on claim lines 3 and 4 have already been defined and should be replaced with --the digital content--.

Regarding **claim 16**, the use of the word “and” on claim line 1 is not needed and should be deleted.

Regarding **claim 17**, the terms “digital content” on claim lines 1 and 4 have already been defined and should be replaced with --the digital content--.

Regarding **claim 18**, the terms "digital content" on claim lines 1 and 4 have already been defined and should be replaced with --the digital content--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-9, 11-16, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US 6,337,712) in view of Christopher (US 6,900,980).

Regarding **claim 1**, Shiota et al. teaches a digital content transfer appliance comprising: a memory card reader configured to removably receive at least one memory card and to read a digital content on the memory card wherein the digital content includes at least one of a digital image file and a digital audio file (column 5, lines 10-23, with a plurality of image card readers reading in image data); a memory configured for storing the digital image file and the digital audio file (column 5, lines 61-65, with an image server storing the image files); and a controller configured for directing transfer of the digital content, independent of a personal computer, via a modem between a digital content service provider and at least one of the memory card and the memory (column 5, lines 30-40, with a modem and software being used to

transfer data from a memory to the image server, without the use of a computer as noted in column 7, lines 37-43). Shiota et al. does not disclose writing to the memory card that is received at the device, however Shiota et al. does disclose that digital content can be written from the device to another memory disk in column 6, lines 48-53. The general concept of writing back to the removably received memory card is well known in the art as illustrated by Christopher. Christopher teaches that memory card can be accessed and used by computers and then data can be written from the computer to the card in a synchronization process (column 3, lines 52-61). This synchronization process takes memory cards inserted and can transfer files in both directions between a computer and a memory card. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. with writing back to the received memory card as taught by Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 2**, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further teaching the appliance of claim 1 wherein the memory card reader comprises: a protocol driver configured to cooperate with the controller to facilitate reading and writing of digital content on the memory card in a plurality of storage formats (column 5, lines 30-37, with a plurality of storage formats, and lines 35-40, with software installed for allowing access to the image server seen as a protocol driver made to facilitate the reading and writing of digital content on the memory card).

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Regarding **claim 3**, Shiota et al. and Christopher teach all of the limitations as described above except for using the slots to receive image, audio, video, and multimedia cards. The general concept of using the slots to receive these file types is well known in the art as illustrated by Christopher. Christopher teaches using a plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with using multiple kinds of slots included in further teachings of Christopher in order to use all of the devices that access memory cards as noted in Christopher's disclosure in column 1, lines 20-47.

Regarding **claim 4**, Shiota et al. and Christopher teach all of the limitations as described above except for simultaneous transfer of the digital audio and digital image file. The general concept of simultaneous data transfer is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). The system then can synchronize the data with a computer in one synchronization session, seen as simultaneous transfer (column 5, lines 34-50). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with simultaneous data transfer included in further teachings of Christopher in order to

simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 5**, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further teaching the appliance of claim 1 wherein the user interface comprises an interactive graphical display configured for displaying information regarding digital content being transferred and for directing transfer of the digital content through activatable functions on the display (column 6, lines 33-47, with the user being able to access services that provide information regarding the transfer of data through a user interface).

Regarding **claim 6**, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further teaching the appliance of claim 5 wherein the user interface is configured for transferring digital images and comprises a graphical display screen displaying and permitting activation of at least one of: an image memory card identifier configured for identifying at least of a name, a title, and a number of an image memory card; an image selector configured for selecting at least one image of a plurality of images for processing from a digital content service provider; a format selector configured for selecting a format for processing; a delivery selector configured for selecting a method of delivery of the processed digital images; and an image gallery for viewing the digital images on an image memory card (column 6, lines 30-47, with the user being able to request services including browsing, print ordering, file output, and file transfer, seen as an image gallery and an image selector).

Regarding **claim 7**, Shiota et al. and Christopher teach all of the limitations as described above except for having an interactive audio transfer user interface for transferring digital audio files comprising: the graphical display screen displaying and permitting activation of at least one of: an audio memory card identifier configured for identifying at least of name, a title, and a number of an audio memory card; an audio file selector configured for selecting at least one audio file from plurality of audio files from a digital content service provider; and a format selector configured for selecting a digital audio file format for downloading from a digital content service provider. The general concept using an audio transfer user interface is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). The system then can synchronize the data with a computer in one synchronization session and this session can include file transfer and file and card identification (column 4, lines 28-55). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with file and card identification and file transfer abilities in a user interface included in further teachings of Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 8**, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further teaching the appliance of claim 1 wherein the

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controller comprises: a display driver configured to receive from the digital content service provider an interactive menu including selectable functions for transferring digital content on the memory card and for requesting processing of digital content and configured to cause display of the interactive menu on the user interface (column 6, lines 30-47, with the display being provided by the image server, and the display allows the user to request processing, seen as browsing, or data transferring).

Regarding claim 9, Shiota et al. teaches a digital content transfer system comprising: a memory card reader configured to removably receive at least one memory card and to read a digital content on the memory card wherein the digital content includes at least one of a digital image file and a digital audio file (column 5, lines 10-23, with a plurality of image card readers reading in image data); a controller configured for directing transfer of the digital content, independent of a personal computer, over a modem between the memory card and a digital content service provider (column 5, lines 30-40, with a modem and software being used to transfer data from a memory to the image server, without the use of a computer as noted in column 7, lines 37-43); and a network communication link configured for establishing communication between the modem of the digital content transfer appliance and the digital content service provider (column 7, lines 12-22, with the service provider seen as the image server and it is located in a remote location, and communicated with via a remote channel, thus requiring a communication link); a media player connected to the network communication link and configured for generating a graphical user interface of the digital content transfer appliance with digital content selections offered by the digital

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content service provider, and configured for consuming the digital content of the memory cards (column 6, lines 30-47, with the display being provided by the image server, and the display allows the user to request processing, seen as browsing or media playing on the user interface). ). Shiota et al. does not disclose writing to the memory card that is received at the device, however Shiota et al. does disclose that digital content can be written from the device to another memory disk in column 6, lines 48-53. The general concept of writing back to the removably received memory card is well known in the art as illustrated by Christopher. Christopher teaches that memory card can be accessed and used by computers and then data can be written from the computer to the card in a synchronization process (column 3, lines 52-61). This synchronization process takes memory cards inserted and can transfer files in both directions between a computer and a memory card. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. with writing back to the received memory card as taught by Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 11**, Shiota et al. teaches a memory card appliance comprising: means for reading a digital content on a plurality of memory cards including an image memory card (column 5, lines 10-23, with a plurality of image card readers reading in image data); and means for transferring the digital content, independent of a personal computer, to and from a digital content service provider (column 5, lines 30-40, with means for transferring data to the image server, and column 6, lines 30-52, with means

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for transferring data from the image server); means for interactively controlling, independent of a personal computer, the means for reading and writing and the means for transferring (column 6, lines 30-47, with the user controlling the transferring of data or the reading and writing of content from the image server to a output medium without the need of a personal computer); and means for storing the digital content (column 5, lines 62-65, with the image server storing the content). Shiota et al. does not disclose writing to the memory card received or using an audio or multimedia card with the system. The general concept of writing back to the removably received memory card and using multiple types of memory cards are well known in the art as illustrated by Christopher. Christopher teaches that memory card can be accessed and used by computers and then data can be written from the computer to the card in a synchronization process (column 3, lines 52-61). This synchronization process takes memory cards inserted and can transfer files in both directions between a computer and a memory card. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. with writing back to the received memory card as taught by Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54. Christopher also teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. with using multiple kinds of slots

included in teachings of Christopher in order to use all of the devices that access memory cards as noted in Christopher's disclosure in column 1, lines 20-47.

Regarding **claim 12**, Shiota et al. and Christopher teach all of the limitations as described above except for having multiple slots for reading and writing to memory cards. The general concept of having multiple memory card slots to access content on is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). The system then can synchronize the data with a computer in one synchronization session, seen as reading and writing (column 5, lines 34-50). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with data transfer to and from a plurality of memory card slots included in further teachings of Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 13**, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further disclosing using a controller and a modem to transfer content from the memory cards (column 5, lines 30-40, with a modem and software being used to transfer data from a memory to the image server), however Shiota et al. and Christopher described above to not teach simultaneous transfer from the image memory card and the audio memory card. The general concept

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of simultaneous data transfer is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). The system then can synchronize the data with a computer in one synchronization session, seen as simultaneous transfer (column 5, lines 34-50). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with simultaneous data transfer included in further teachings of Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 14**, Shiota et al. teaches a method of transferring digital content independent of a personal computer, the method comprising: receiving into a single appliance, independent of a personal computer, a plurality of memory cards including at least one of an audio memory card, an image memory card, and a multimedia memory card (column 5, lines 10-23, with a plurality of image card readers reading in image data); and performing, via the single appliance independent of a personal computer, at least one of: reading digital content from at least one of the image memory card, the audio memory card, and the multimedia memory card and transmitting the digital content over a modem from the image memory card and the audio memory card to a digital content service provider remotely located from the image memory card and the audio memory card (column 5, lines 30-40, with a modem being used to direct content

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from the memory card to an image server, seen as a digital content service provider); and receiving digital content over the modem from the digital content service provider (column 6, lines 30-47, with accessing the image server using a communication channel to manipulate content is described). Shiota et al. does not disclose writing content onto the received memory card. The general concept of writing back to the removably received memory card is well known in the art as illustrated by Christopher. Christopher teaches that memory card can be accessed and used by computers and then data can be written from the computer to the card in a synchronization process (column 3, lines 52-61). This synchronization process takes memory cards inserted and can transfer files in both directions between a computer and a memory card. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. with writing back to the received memory card as taught by Christopher in order to simplify file transfers and to add more functionality to the memory card device as noted in Christopher's disclosure in column 1, lines 28-54.

Regarding **claim 15**, Shiota et al. and Christopher teach all of the limitations as described above except for using the slots to receive image and video cards and transfer photos, videos, and audio. The general concept of using the slots to receive these file types is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-51, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files). Christopher teaches that memory cards can be accessed and used by

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computers and then data can be written from the computer to the card in a synchronization process (column 3, lines 52-61). This synchronization process takes memory cards inserted and can transfer files in both directions between a computer and a memory card. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with using multiple kinds of slots and file transfers included in further teachings of Christopher in order to use all of the devices that access memory cards as noted in Christopher's disclosure in column 1, lines 20-47.

Regarding claim 16, Shiota et al. and Christopher teach all of the limitations as described above with Shiota et al. further teaching the method of claim 14 further comprising storing the digital content in a memory of the single appliance (column 7, lines 12-19, with the image server being stored as a stand alone machine).

Regarding claim 19, Shiota et al. and Christopher teach all of the limitations as described above except for using the slots to receive image, audio, and multimedia cards simultaneously. The general concept of using the slots to receive these file types is well known in the art as illustrated by Christopher. Christopher teaches using the plurality of slots to receive a photo memory card, an audio memory card, a multimedia memory card, and a video memory card (column 3, lines 31-53, with the system receiving multimedia cards, and SD cards which contain audio, video, and graphic files at the same time). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with using multiple kinds of

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slots included in further teachings of Christopher in order to use all of the devices that access memory cards as noted in Christopher's disclosure in column 1, lines 20-47.

4. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US 6,337,712) and Christopher (US 6,900,980) as applied to claim 9 above, and further in view of Manico et al. (US 2003/0236716).

Regarding **claim 10**, Shiota et al. and Christopher teach all of the limitations as described above except for using a web site to receive content from the transfer system and to download to the transfer system. The general concept of using a web site to facilitate transfers to and from the system and the image server is well known in the art as illustrated by Manico et al. Manico et al. describes a system where a user can upload digital content via the internet and then receive the content back to him via the internet (section 0020, lines 20-41, where the user uploads via the internet their digital content, and then presentations of content are delivered back to the user via the internet). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with using the internet, and therefore websites, in order to create a more simplified system and to obtain copies of the content in a variety of storage formats as noted in Manico et al.'s disclosure in section 0004.

5. **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US 6,337,712) and Christopher (US 6,900,980) as applied to claim 14 above, and further in view of Fenton et al. (US 6,976,028).

Regarding **claims 17 and 18**, Shiota et al. and Christopher teach all of the limitations as described above except for initiating transmit and download functions from

a media server with a single click. The general concept of uploading and downloading media files to a media server with simple single button architecture is well known in the art as illustrated by Fenton et al. Fenton et al. describes a media publishing system that allows users to upload with a single button (column 14, lines 12-20) and download files with a single button (claim 79). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Shiota et al. and Christopher with using single button uploads and downloads to the media server as taught by Fenton et al. in order to create a user-friendly media server as noted in Fenton et al.'s disclosure in column 1, lines 50-55.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 4/16/07

FRANTZ JULES  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Frantz Jules". The signature is fluid and cursive, with a large, stylized "J" at the beginning.